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November 12, 2020

**VIA ECF and Email:** [bernstein.chambers@nysb.uscourts.gov](mailto:bernstein.chambers@nysb.uscourts.gov)

Hon. Stuart M. Bernstein, U.S.D.J.  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green  
New York, New York 10004-1408

**Re: *Picard v. Kuntzman Family LLC, et al.,***  
**Adv. Pro. No. 10-04752 (SMB)**

Dear Judge Bernstein:

This firm represents the Defendants in this matter. On October 28, 2020 we filed a motion seeking to withdraw as counsel for three of the Defendants in this action: Kuntzman Family LLC, Wayne D. and Jacqueline D. Green. Our motion was made because these defendants have indicated that they do not want to be represented by my firm and, indeed, they have refused to communicate with me. Thus, under the Rules of Professional Conduct, it is impossible for me to continue to represent them.

The Objection Date was November 11, 2020 and Presentment Date is November 18, 2020. On November 11, 2020, the Plaintiff, Irving R. Picard, the Trustee (the "Trustee") for Bernard L. Madoff Investment Securities LLC filed his objection to this firm's Application to Withdraw as Counsel with the Court. The Trustee's objection cannot over-ride the Rules of Professional Conduct: We cannot represent a client that refuses to communicate with us. *See* New York Rules of Professional Conduct, Rule 1.16(c)(7); *see also Tartaglione v. Tiffany*, 720 N.Y.S.2d 404 (N.Y. App. Div. 2d Dept. 2001).

We have been working in the past six months, at break-neck speed, to try to settle cases brought by the Trustee. Indeed, we have settled 23 cases while at the same time handling massive litigation in the remaining cases. This has taken an enormous amount of time. The Trustee's frivolous objection to our being relieved as counsel for the Kuntzman defendants is meritless and simply diverts attention from more productive activities – like trying to settle cases. It is impossible for me to represent a client who will not communicate with me. The Kuntzman

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Defendants have not objected to the motion to be relieved as their counsel because they know they will not communicate with me. We ask that the Court grant our motion.

Respectfully submitted,

/s/ Helen Davis Chaitman

Helen Davis Chaitman

cc: David Sheehan, Esq. (via email)  
Nicholas Cremona, Esq. (via email)  
Kuntzman Family L.L.C. (via email)  
Jacqueline D. Green (via email)  
Wayne D. Green (via email)